

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD ULRICH,

Plaintiff

V.

GOVERNOR TOM CORBETT, *et al.*,

Defendants

CIVIL NO. 1:14-CV-1025

(Judge Rambo)

(Magistrate Judge Blewitt)

MEMORANDUM

Before the court is a report and recommendation filed by Magistrate Judge Blewitt (Doc. 16) in which he recommends that Plaintiff Richard Ulrich's complaint filed pursuant to 42 U.S.C. be dismissed against all defendants with prejudice and that allowing amendment of the complaint would be futile. The magistrate judge reviewed Ulrich's complaint pursuant to 28 U.S.C. § 1915(e)(2). On July 29, 2014, Ulrich filed objections to the report and recommendation (Doc. 17).¹ The matter is ripe for disposition.

Ulrich's claims against Defendants Corbett and Wetzel are that they have violated 61 Pa. Cons. Stat. § 4304(a)(1), Method of Execution. This allegation is apparently based on Ulrich's belief that his civil rights will be violated by the manner in which he is executed. (Doc. 1, ¶¶ 14 & 29.) Because Ulrich is not under a death sentence, the magistrate judge found that Ulrich had no standing to support this claim. The magistrate judge also found that many of the claims in the complaint

¹On August 7, 2014, Plaintiff filed a motion for extension of time to file objections to the report and recommendation of the magistrate judge (Doc. 18). Since objections have already been filed, this motion will be denied.

should be dismissed as untimely, for failure to exhaust administrative remedies, and/or for bringing some claims in the wrong venue. The report and recommendation of the magistrate judge was very thorough.

In Ulrich's objections to the report and recommendation, he claims that the magistrate judge failed to address his conspiracy claim under 42 U.S.C. § 1985(3); the magistrate judge improperly precluded a class action suit; and the magistrate judge failed to appoint counsel. The magistrate judge very thoroughly addressed these issues in his report and recommendation. Ulrich does not present any new facts or law that alters the reasoning and findings of the magistrate judge.

For the reasons stated above, the court will adopt the report and recommendation of Magistrate Judge Blewitt. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: August 15, 2014.